

# **VDOT**

**Virginia Department of Transportation**

## **REQUEST FOR QUALIFICATIONS**

### **A DESIGN-BUILD PROJECT**

**Givens Lane Widening / Progress Street Extension**

**From  
0.06 Mi. South Ashford Court / Givens Lane  
To  
0.07 Mi. East North Main Street / .01 Mi. North Cherokee  
Drive**

**Town of Blacksburg, Virginia  
Project No:**

**U000-150-114, P101, R201, C501**

**March 28, 2006**

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## **1.0 INTRODUCTION**

The Virginia Department of Transportation (“VDOT”) submits this Request for Qualifications (“RFQ”) to solicit Statements of Qualifications (“SOQs”) from those entities (“Offerors”) interested in contracting to serve as the Design-Builder for the completion of the Givens Lane Widening / Progress Street Extension (“Project”). The purpose of this RFQ is to solicit information that will enable VDOT to determine which Offerors: (a) are best qualified to execute successfully the design and construction of the Project; and (b) will be invited to submit proposals in response to VDOT’s Request for Proposals (“RFP”).

## **2.0 BACKGROUND INFORMATION**

### **2.1 Project Overview**

The Project is located in the Town of Blacksburg, Virginia, and includes the widening of Givens Lane from approximately 0.06 mile south of Ashford Court to approximately 0.07 mile east of North Main Street and the extension of Progress Street from approximately 0.01 mile north of Cherokee Drive to Givens Lane. The total project length is approximately 1.5 miles. However, it is noted that this description and length are approximate only and based on the preliminary design shown in the RFQ information package. The final project length may vary depending on the Offeror’s final design and this fact shall be taken into account in the Offeror’s proposal. The Project includes, among other things: (a) construction of a two-lane undivided roadway with exclusive bicycle lanes (b) a grade separated structure for neighborhood trail crossing (c) an eight-foot (8’) wide sidewalk alongside a portion of the road; and (d) retaining walls. VDOT’s present budget to complete the design, right-of-way and construction of this Project is approximately \$10,100,000. This budget includes right-of-way, construction, construction engineering and inspection, quality assurance and quality control, and VDOT’s contingency and management costs.

### **2.2 Design-Builder’s Scope of Work**

The anticipated scope of work to be undertaken by the successful Offeror under the Design-Build contract for this Project will be identified in the RFP. This work is anticipated to include, among other things: (a) design; (b) right-of-way acquisition; (c) utility relocations, adjustments and coordination; (d) construction; (e) structures; (f) quality assurance and quality control for design and construction; and (g) overall project management. Brief descriptions of this anticipated work are set forth below. Offerors should note that all work performed on this Project shall be completed using English Units. Offerors should further note that VDOT has secured, on February 27, 2006 a FHWA-approved Categorical Exclusion (“CE”) in accordance with the requirements of the National Environmental Policy Act (“NEPA”).

Design services shall address all items necessary for construction and operation of the completed facility. Design services are anticipated to include but are not limited to

any supplemental surveying, roadways, structures, retaining walls, traffic control devices and design of any other necessary elements: signs, and lighting accommodations (base and conduit), pavement markings and marker plans, bicycle/pedestrian facilities, drainage design, supplemental geotechnical investigation, borings and analysis, materials analysis, pavement design, hydraulic and hydrologic analysis, and landscaping and mitigation of visual imports.

Services for right-of-way acquisition and utility relocations, adjustments and coordination are anticipated to include all work necessary to acquire the right-of-way and to perform the relocations, adjustments and coordination of utilities as detailed by VDOT in the RFP. All right-of-way acquisition costs will be paid by VDOT, and should not be included in the Design-Build price proposal. Access shall be maintained at all times to properties during construction. Offeror's Right-of-Way team shall include a VDOT prequalified Fee Appraiser.

The VDOT will obtain all necessary environmental clearances (unless otherwise noted herein) and water quality permits required to accomplish the work. The water quality permits do not accommodate or allow for any relocation of the stream adjacent to the trail in conjunction with the Progress Street Extension crossing. The Offeror will be responsible for coordination with VDOT and performing necessary design to support VDOT's efforts to obtain any necessary water quality permits and any modifications of water quality permits. Specifically for utility relocations undertaken by the Offeror, VDOT will acquire necessary water quality permits. If utilities are to be relocated by the utility company, the utility company is responsible for necessary water quality permits. The VDOT will also obtain necessary water quality permits for geotechnical work performed by the Offeror.

The VDOT will be responsible for any environmental studies in support of a re-evaluation of the NEPA document caused by Offeror's proposed changes in scope or design that are acceptable to the Department. Offeror will be responsible for notifying VDOT of plan revisions and providing any necessary information to support VDOT's completion and updating of environmental clearances. Offeror should note, however, that they are solely responsible for any schedule delays due to permit acquisition, modifications and NEPA document re-evaluations associated with Offeror's design changes and no time extensions will be granted.

Construction services are anticipated to include roadway, traffic control devices, bridge (or other grade separated trail crossing) and structures work; the demolition and removal of the existing roadways, structures and buildings; all necessary foundation work, substructure work, excavation, drainage and utility relocations/adjustments; coordination, removal and disposal of hazardous materials; erosion and sediment control and all other environmental requirements and commitments including those from the CE and approvals and water quality permits secured by VDOT. The Offeror will be responsible for having an Environmental Monitor on site during construction at all times to ensure compliance with all applicable environmental laws, regulations, Executive Orders, commitments, etc. The Offeror will be responsible for providing quality

assurance and testing for all materials manufactured off-site, excluding the items listed below:

- Prestressed Concrete Structural Elements (beams, girders (AASHTO and bulb-T), and piles)
- Structural Steel Elements (beams and girders)
- Pipe (concrete, steel, aluminum and high density polyethylene) for culverts, storm drains and underdrains
- Precast Concrete Structures
- Metal Traffic Signal and Light Poles and Arms
- Asphalt Concrete Mixtures
- Aggregate (dense and open graded mixes)
- Hydraulic Cement Concrete Mixtures

The Department will provide plant quality assurance and plant testing of these items. The Offeror will also be responsible for providing quality assurance and testing of materials obtained from off-site soil borrow pits.

### **2.3 Legislative Authority for the Project**

§33.1-12(2)(b) of the *Code of Virginia* authorizes VDOT and the Commonwealth Transportation Board (“CTB”) to develop and award contracts using the Design-Build contracting method. In accordance with the law, VDOT completed the Finding of Public Interest (“FOPI”) dated December 6, 2005. The FOPI is attached hereto as Attachment No. 5.

### **2.4 Procurement Overview of the Project**

VDOT will use a two-phase selection process for the selection of a Design-Builder on the Project. This RFQ represents the first phase in the selection process. VDOT intends to short-list the three (3) highest-ranked Offerors. Only the short-listed Offerors will receive the RFP and be allowed to submit Proposals.

The second phase of the selection process will entail the submission of Technical Proposals and Sealed Price Proposals from each short-listed Offeror. While the RFP will contain specific requirements for the Technical and Sealed Price Proposals, as well as specific selection criteria process, VDOT anticipates that: (a) Technical Proposals will include, among other things, preliminary plans and a Project schedule; and (b) Sealed Price Proposals will include, among other things, the price of the Project by phase of work. VDOT further anticipates that upon completion of the evaluations of the Technical and Sealed Price Proposals, the Project Manager or the Director of Innovative Project Delivery will recommend the top-ranked Offeror to the Chief Engineer for an award of a fixed price Design-Build contract by the CTB.

Offerors are on notice that VDOT may, in its sole discretion, negotiate and award a Design-Build contract to an Offeror if, upon a written determination, VDOT determines that such Offeror is the only Offeror fully qualified to perform the proposed Design-Build

contract, or that such Offeror is clearly more highly qualified than the others under consideration.

## **2.5 Schedule**

The current schedule for the Project is for substantial completion of the project in October 2009. Final completion will take place in December 2009.

VDOT currently anticipates conducting the procurement of the RFQ of the Project in accordance with the following list of milestones. This schedule is subject to revision and VDOT reserves the right to modify this schedule as it finds necessary, in its sole discretion.

- |    |                                            |                                   |
|----|--------------------------------------------|-----------------------------------|
| 1. | Advertise RFQ                              | March 28, 2006                    |
| 2. | Deadline to submit questions               | April 6, 2006 at 4:00 P.M. (EST)  |
| 3. | VDOT will respond to questions             | April 14, 2006                    |
| 4. | SOQs are due                               | April 27, 2006 at 4:00 P.M. (EST) |
| 5. | Evaluation and recommendations complete    | May 25, 2006                      |
| 6. | Notification to Offerors of the short-list | June 1, 2006                      |
| 7. | Anticipated RFP Release Date               | July 6, 2006                      |
| 8. | Anticipated Award Date                     | Winter 2007                       |

## **2.6 Proposal Evaluation Team**

A Proposal Evaluation Team will be appointed by VDOT to review and evaluate the SOQs. In addition to the appointed Proposal Evaluation Team, VDOT may use any appropriate technical resources to provide assistance in evaluating the submittals.

## **2.7 VDOT's Point of Contact**

VDOT's sole point of contact for matters related to the RFQ shall be Tracy K. Sell. Ms. Sell is the only individual authorized to discuss this RFQ with any interested parties, including Offerors. All communications with Ms. Sell about the Project or this RFQ shall be in writing, as required by applicable provisions of this RFQ.

Ms. Tracy K. Sell  
Innovative Project Delivery Division  
Virginia Department of Transportation  
1221 East Broad Street  
Main Building, 4<sup>th</sup> Floor  
Richmond, VA 23219

Email: [tracy.sell@vdot.virginia.gov](mailto:tracy.sell@vdot.virginia.gov)

VDOT disclaims the accuracy of information derived from any source other than Ms. Sell, and the use of any such information is at the sole risk of the Offeror.

An RFQ information package which includes: Scoping Document, Value Engineering Report, Typical Sections, Topographic Survey and DTM, Preliminary Layout of plan, profile, and anticipated R/W limits in Microstation DGN format, Overall Project Layout, Traffic Data, and CE is available to interested Offerors on CD for \$50.00. Interested Offerors should contact VDOT's Point of Contact for specific information on how to obtain this information package. It is noted that preliminary design is on-going and will be updated prior to the issuance of the RFP.

### **3.0 CONTENTS OF STATEMENTS OF QUALIFICATIONS**

#### **3.1 General**

The evaluation and short-list process established by this RFQ is intended to enable Offerors to demonstrate their qualifications to perform the Project, and enable VDOT to evaluate those qualifications in arriving at a short-list. Offerors are advised that the SOQ should include specific information that will demonstrate the qualifications and experience required by this RFQ. The format for the presentation of such information is described in Section 5.2. Offerors should note that it is not the intention of VDOT to receive Project-specific design or engineering recommendations as part of this RFQ.

Offerors are advised that VDOT reserves the right to conduct an independent investigation of any information, including prior experience, identified in an SOQ by contacting project references, accessing public information, contacting independent parties, or any other means. VDOT further reserves the right to request additional information from an Offeror during the evaluation of the Offeror's SOQ.

#### **3.2 Letter of Submittal**

Offerors shall provide a Letter of Submittal on the Offeror's letterhead identifying the official representative and point of contact for the Offeror relative to this RFQ and the SOQ. The letter shall identify such representative's title, address, phone and fax numbers, and e-mail addresses, and be signed by an authorized representative of Offeror's organization. If the Offeror is not yet a legal entity or is a joint venture, all major participants or joint venture members shall sign the letter.

Accompanying the Letter of Submittal shall be the SOQ, wherein the Offeror shall specifically address the following:

### **3.3 Offeror's Corporate Structure**

Offeror shall provide sufficient information to enable VDOT to understand and evaluate the Offeror's Corporate Structure. At a minimum, each Offeror shall respond to the following requirements:

1. Identify whether the Offeror will be structured as a corporation, limited liability company, general partnership, joint venture, limited partnership or other form of organization. Specifically identify the team members who will undertake financial responsibility for the Project and describe any liability limitations. If the Offeror is a limited liability company, partnership or joint venture, describe the bonding approach that will be used and the members of such organizations who will have joint and several liability for the performance of the work required for the Project.

2. Identify the name, address and telephone number of each principal officer of the legal entity with whom a Design-Build contract with VDOT would be written (e.g., President, Treasurer, Chairperson of the Board of Directors, etc.).

### **3.4 Offeror's Team Structure**

Offeror shall provide sufficient information to enable VDOT to understand and evaluate the Offeror's Team Structure. At a minimum, each Offeror shall respond to the following requirements:

1. Identify the Offeror's team, including but not limited to the lead contractor and lead designer. Provide the names, addresses and phone numbers of all such team members.

2. Provide an organizational chart showing the flow of "chain of command" with lines identifying the participants who are responsible for major functions to be performed and their reporting relationships in submitting the SOQ, managing, designing and constructing the Project. If the Offeror intends to use a specific subconsultant or major subcontractor, then it shall identify such entity by name in the organizational chart provided, however that the requirements of Section 10.1 shall apply for such identified parties. This chart should provide the following:

- a. The functional structure of Offeror's project team down to the design discipline leader and construction superintendent level, and identify key personnel (as identified in Section 3.5.3 below) by name.

- b. A brief description of significant functional relationships among participants for each chart.



c. Identification of design subconsultants, specialty subconsultants and major subcontractors.

3. Identify where the Offeror intends to maintain its project office(s) and where the majority of the design work will be performed.

### **3.5 Experience of Offeror's Team**

Offeror shall provide sufficient information to enable VDOT to understand and evaluate the experience of the Offeror's team on similar projects. At a minimum, each Offeror shall respond to the following requirements:

1. The lead contractor and lead designer shall each list at least three (3), but no more than five (5), relevant roadway and bridge projects, including any Design-Build projects, performed in the past five (5) years. This information is to be provided on the Work History Form attached hereto as Attachment No. 1. If any Design-Build project is provided as a reference that was not performed together by the lead contractor and lead designer, then Offeror shall identify the design professional or construction entity with whom it contracted for each such project.

2. Offeror shall specify the identity of any specific subconsultant or major subcontractor that the Offeror considers critical to the success of the Project and intends to use on the Project. If Offeror elects to do so, Offeror shall also provide sufficient information to enable VDOT to understand the experience of such subconsultant or subcontractor. In submitting such subconsultants or subcontractors, Offeror will be committing to VDOT that such entities will remain on the Project in accordance with the requirements of Section 10.1 hereof.

3. Offeror shall provide the identity of and information about the following Key Personnel and any other members the Offeror considers critical to the success of the Project, all of whom shall be assigned to the Project full-time. This information is to be provided on the Resume Form attached hereto as Attachment No. 2.

a. **Design-Build Project Manager**– This individual, who will be required to be on the Project site for the duration of the Project, shall be responsible for the overall Project design, construction quality management and contract administration for the Project. This individual shall have a minimum five (5) years experience and expertise as a Project Manager on similar projects.

b. **Design Manager** – This individual shall be responsible for ensuring the necessary design services, including architectural engineering, surveying, and other design professional services, for the preparation of the required drawings, specifications and other design submittals are provided to permit Design-Builder to complete the work consistent with the Contract Documents. This individual shall be a qualified, licensed design professional eligible to provide professional engineering and/or land surveying services in the

Commonwealth of Virginia and have a minimum five (5) years experience and expertise as a Design Manager.

- c. **Construction Manager** – This individual, who will be required to be on the Project site for the duration of the Project, shall be responsible for the managing the construction process. This individual shall have a minimum five (5) years experience and expertise as a Construction Manager on similar projects.
  - d. **Quality Assurance Manager (QAM)** – This individual, who will be required to be on the Project site for the duration of the Project, shall be responsible for the inspection of all materials used and work performed on the project. This individual shall have a minimum three (3) years experience and expertise as a Quality Assurance Manager and be a registered, licensed, Professional Engineer in the Commonwealth of Virginia.
  - e. The Offeror may provide the identity of other individuals on its team that the Offeror considers critical to the success of the Project and intends to use. If such individuals are identified, the Offeror shall provide resumes for such individuals and will be committing to VDOT that such individuals will remain on the Project in accordance with the requirements of Section 10.1 hereof.
4. Describe any notable expertise, or other special capabilities, of Offeror's team that Offeror contends: (a) is critical to evaluating its SOQ; or (b) differentiates Offeror's team from the anticipated competition.
5. Provide a graph for both the lead designer and lead contractor detailing how this Project would impact the current and anticipated workload of the office(s) which will perform this work. If staffing up will be necessary, discuss in which areas it will be necessary and how will it be accomplished.

### **3.6 Experience of Offeror's Team in Working Together**

Offeror shall provide sufficient information to enable VDOT to understand and evaluate the experience of Offeror's team, including the experience of Offeror's lead contractor (if different from Offeror), and lead designer (if different from Offeror) in working together on the same project, regardless of the contractual relationship between the parties or the project delivery approach used by the owner.

1. Identify any projects where the lead contractor and the lead designer have worked together, on the same project. If there are any such projects, describe at least one (1), but no more than five (5), such projects performed in the last five (5) years, focusing on those projects the Offeror considers most relevant in demonstrating its qualifications to serve as a Design-Builder for this Project. This information is to be provided on the Work History Form attached hereto as Attachment No. 1.

### **3.7 Project Understanding and Approach**

Offeror shall provide sufficient information to enable VDOT to understand and evaluate the Offeror's understanding of tasks involved and approach to managing, designing, and constructing the Project. At minimum, each SOQ shall respond to the following requirements:

1. Provide a general description of the tasks involved in this Project.
2. Describe the approach Offeror will take in managing the design process and ensuring timely and quality performance of the design team members.
3. Describe the approach Offeror will take to construction administration, QA/QC and the involvement of the design members of Offeror's team during construction.
4. Identify potential risk factors, special issues or problems that are likely to be encountered and explain the approach to mitigate those risks, issues or problems.
5. Discuss how Offeror intends to maximize the benefits of the Design-Build process. Comment on design, construction administration, design integration, and construction sequencing. Discuss major issues and conceptual solutions.

### **3.8 Financial and Legal**

Offeror shall provide sufficient information to enable VDOT to understand and evaluate the capability of the offeror to remain viable for the duration of the Project, that it can be contractually bound to and abide by its contractual obligations to VDOT and that it can meet the required financial commitments associated with the Project. At a minimum, each Offeror shall respond to the following requirements. In the case of joint ventures the information detailed below should be disclosed for both entities.

1. Provide an explanation of the legal structure of the Offeror and its Design-Build team preparing the SOQ. If the Offeror is a limited liability company, joint venture or any form of partnership, provide complete copies of the organizational documents that allow, or would allow by the time of contract award, the Offeror to do business in the Commonwealth of Virginia.
2. Provide evidence from a surety or insurance company (with a Best's Rating of A minus and VIII or better by A.M. Best Co.) stating that the Offeror is capable of obtaining a performance and payment bond in the amount of the anticipated cost of construction, which bonds will cover the Project and any warranty periods.
3. The lead contractor shall provide evidence that it is prequalified with VDOT or proof that the Letter Requesting Prequalification has been submitted to VDOT for consideration. If such evidence or proof is not provided by the time of Notification to Offerors of the short-list, the SOQ will be rejected.

4. Disclose any outstanding litigation that could materially and adversely affect the financial condition of the lead contractor and the lead designer.

5. Describe any project that the lead contractor or lead designer were involved in within the past five (5) years that resulted in: (a) the assessment of liquidated damages against one of such parties; (b) claims being submitted by or against one of such parties that involve the project owner; (c) one such parties having received a notice to cure a default due to the party's non-performance or poor performance of the underlying contract; or (d) one of such parties being terminated for cause. For any such situation, explain the circumstances and identify the project owner's representative and its current telephone number.

### **3.9 Safety Program**

Offeror shall provide sufficient information to enable VDOT to understand and evaluate the capability of the Offeror to provide a safe working environment for all individuals associated or affected by the Project. At a minimum, each Offeror shall respond to the following requirements. In the case of joint ventures the information detailed below should be disclosed for both entities.

1. Provide the lead contractor's numeric Experience Modification Rating, the rating year and the name of the Insurance Company issuing the rating for each of the past five (5) years.

2. Provide a list of all OSHA citations, the date of each occurrence and their dispositions for the past five (5) years against the lead contractor.

3. Provide the lead contractor's OSHA 200 Summary Form for calendar years 2000 to 2002 and OSHA 300A Summary Form for year 2002 to present or the information contained on these Forms in a similar format for each year after 2000. Also, provide the lead contractor's Recordable Incidence Rates (RIR) and Lost Time Incidence Rates (LTIR) for each of the past five (5) years.

### **3.10 DBE Goal**

1. Provide a written statement from Offeror, signed by an authorized representative of Offeror, that Offeror is committed to achieving an 8 % DBE participation goal during design and construction of the Project.

2. Describe Offeror's approach to achieve a goal of 8 % DBE participation during the design and construction of the Project.

## **4.0 EVALUATION OF THE STATEMENTS OF QUALIFICATIONS**

### **4.1 Evaluation Criteria and Weightings**

VDOT intends to review the SOQs for responsiveness to the requirements of this RFQ and to evaluate all responsive SOQs according to the following criteria and weightings:

<u>Sub-Sections</u>	<u>Rating Weight (%)</u>
3.4 Offeror's Team Structure	15 points
3.5 Experience of Offeror's Team	25 points
3.6 Experience of Offeror's Team in Working Together	15 points
3.7 Project Understanding and Approach	25 points
3.8 Financial and Legal	10 points
3.9 Safety Program	10 points
3.10 DBE Goal	pass/fail

**Maximum Score: 100 points**

Each evaluation criterion has an assigned maximum number of points as indicated above. For purposes of determining the pass/fail requirements for the DBE Goal, the only item that will be considered will be Offeror's submission of the written statement required by item 1 in Section 3.10.

## **4.2 Scoring and Ranking**

Each member of the Proposal Evaluation Team will score and rank each SOQ independently, and then the entire Team will meet to discuss and determine the final scores and ranking. Offerors will then be ranked from the highest to the lowest based on their final scores to determine a short-list.

## **5.0 SOQ SUBMITTAL REQUIREMENTS**

This Section 5.0 describes the requirements that all Offerors must satisfy in submitting SOQs. Failure of any Offeror to submit its SOQ in accordance with this RFQ may result in rejection of its SOQ.

### **5.1 Due Date, Time and Location**

All SOQs must be submitted by the due date set forth in Section 2.5 to the following individual at the following address:

Mr. Don Silies  
Scheduling and Contract Division  
Virginia Department of Transportation  
1401 East Broad Street  
Annex Building, 12<sup>th</sup> Floor  
Richmond, VA 23219

Each Offeror must provide VDOT with ten (10) copies of the SOQ and a CD containing one electronic copy of the SOQ in PDF format. Each copy must be identified on its front cover, in the upper right-hand corner, as "Copy \_\_\_\_ of 10 Copies." Neither fax nor email submissions will be accepted. Offerors are responsible for effecting delivery by the deadline above, and late submissions will be rejected without opening, consideration, or evaluation, and will be returned unopened to the sender. VDOT accepts no responsibility for misdirected or lost proposals.

## **5.2 Format**

The qualifications document should contain no more than 30 pages typed on one side only. Neither the Letter of Submittal nor Attachments 1, 3 and 4 shall be counted against the 30 page limit. The proposal shall be written on 8.5" x 11" paper. Only the Work History Form (Attachment 1) shall be 11" x 17", but must be folded to 8.5" x 11". If dividers are used and contain project-specific information they will be counted as pages. All proposals shall be written using Times New Roman with a font of 12-point. Submittals should address each of the following categories in the same order as listed in Section 3.0. No other Appendices or other Attachments will be accepted other than Attachments 1, 3 and 4.

## **6.0 QUESTIONS AND CLARIFICATIONS**

### **6.1 Format**

All questions and request for clarifications regarding this RFQ shall be submitted to VDOT in writing by email or written letter to the Point of Contact. No requests for additional information, clarification or any other communication should be directed to any other individual. **NO ORAL REQUESTS FOR INFORMATION WILL BE ACCEPTED.**

### **6.2 Deadlines**

All questions or request for clarifications must be submitted by the due date set forth in Section 2.5. Questions or clarifications requested after such time will not be answered, unless VDOT elects, in its sole discretion, to do so. VDOT's responses to questions and request for clarifications shall be in writing, and will be accomplished by an Addendum to this RFQ. All Addenda will be posted on the VDOT Scheduling & Contract Division Web Site as well as eVA. VDOT will not be bound by any oral communications, or written interpretations or clarifications that are not set forth in an Addendum.

### **6.3 Clarifications**

VDOT, at its sole discretion, shall have the right to seek clarifications from any Offeror to fully understand information contained in the SOQ and to help evaluate and rank the Offerors. Offerors may also be requested to make an oral presentation of their qualifications before the qualifications are scored.

## **7.0 RIGHTS AND OBLIGATIONS OF VDOT**

### **7.1 Reservation of Rights**

In connection with this procurement, VDOT reserves to itself all rights (which rights shall be exercisable by VDOT in its sole discretion) available to it under applicable law, including without limitation, the following, with or without cause and with or without notice:

1. The right to cancel, withdraw, postpone or extend this RFQ or the subsequent RFP in whole or in part at any time prior to the execution by VDOT of a Design-Build contract, without incurring any obligations or liabilities.
2. The right to issue a new RFQ.
3. The right to reject any and all submittals, responses and proposals received at any time.
4. The right to modify all dates set or projected in this RFQ.
5. The right to terminate evaluations of responses received at any time.
6. The right to suspend and terminate the procurement process for the Project, at any time.
7. The right to revise and modify, at any time prior to the RFP submittal date, factors it will consider in evaluating responses to this RFQ and the subsequent RFP and to otherwise revise its evaluation methodology.
8. The right to waive or permit corrections to data submitted with any response to this RFQ until such time as VDOT declares in writing that a particular stage or phase of its review of the responses to this RFQ has been completed and closed.
9. The right to issue addenda, supplements, and modifications to this RFQ, including but not limited to modifications of evaluation criteria or methodology and weighting of evaluation criteria.
10. The right to permit submittal of addenda and supplements to data previously provided with any response to this RFQ until such time as VDOT declares in writing that a particular stage or phase of its review of the responses to this RFQ has been completed and closed.
11. The right to hold meetings and conduct discussions and correspondence with one or more of the Offerors responding to this RFQ to seek an improved understanding and evaluation of the responses to this RFQ.

12. The right to seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to the RFQ, including the right to seek clarifications from Offerors.

13. The right to permit Offerors to add or delete firms and/or key personnel until such time as VDOT declares in writing that a particular stage or phase of its review has been completed and closed.

14. The right to add or delete Offeror responsibilities from the information contained in this RFQ or the subsequent RFP.

15. The right to appoint and change appointees of any evaluation committee.

16. The right to use assistance of outside technical and legal experts and consultants in the evaluation process.

17. The right to waive deficiencies, informalities and irregularities in an SOQ, accept and review a non-conforming SOQ or seek clarifications or supplements to an SOQ.

18. The right to disqualify any Offeror that changes its submittal without VDOT approval.

19. The right to change the method of award between the advertisement of the RFQ and the advertisement of the RFP.

20. The right to respond to all, some, or none of the inquiries, questions and/or request for clarifications received relative to the RFQ.

21. The right to use all or part of an unsuccessful short-listed Offeror's proposal that accepts a Proposal Payment.

22. The right to short-list from among the highest ranked Offerors, and to provide an RFP only to those short-listed Offerors. VDOT intends to short-list the three (3) highest ranked Offerors. VDOT may increase or decrease the number of short-listed Offerors, if it is in the best interest of VDOT to do so.

## **7.2 VDOT Not Obligated for Costs of Proposing**

VDOT assumes no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to this RFQ, or the subsequent RFP. All of such costs shall be borne solely by each Offeror and its team members. Notwithstanding the above, VDOT intends to provide those short-listed Offerors who submit a responsive Proposal to the RFP, but who are not awarded the Design-Build contract, a Proposal



Payment in consideration for ownership of the information provided in the Proposal. The terms for attaining such Proposal Payment will be identified in the RFP.

## **8.0 PROTESTS**

### **8.1 General**

This Section 8.0 sets forth the exclusive protest remedies available with respect to this RFQ. Each Offeror, by submitting its SOQ, expressly recognizes the limitation on its rights to protest contained herein, expressly waives all other rights and remedies and agrees that the decision on any protest, as provided herein, shall be final and conclusive unless the protesting Offeror appeals within ten (10) calendar days of the written decision by instituting legal action as provided for in §2.2-4364, *Code of Virginia*. These provisions are included in this RFQ expressly in consideration for such waiver and agreement by the Offerors. Such waiver and agreement by each Offeror are also consideration to each other Offeror for making the same waiver and agreement.

### **8.2 Protests Prior to Submission of SOQ**

**8.2.1** An Offeror may protest the terms of this RFQ prior to the time for submission of an SOQ on the grounds that: (a) a material provision in this RFQ is wholly ambiguous; (b) any aspect of the procurement process described herein is contrary to legal requirements applicable to this procurement; or (c) this RFQ in whole or in part exceeds the authority of VDOT. Protests regarding this RFQ shall be filed only after the Offeror has informally discussed the nature and basis of the protest with the Point of Contact identified in the RFQ in an effort to remove the grounds for protest.

**8.2.2** Protests regarding this RFQ shall completely and succinctly state the grounds for protest and shall include all factual and legal documentation in sufficient detail to establish the merits of the protest. Evidentiary statements, if any, shall be submitted under penalty of perjury.

**8.2.3** Protests regarding this RFQ shall be filed by hand delivery or courier to the Point of Contact within three (3) business days after the protest has been informally discussed, subject to the protest actually being received no later than ten (10) calendar days before the SOQ submittal due date, provided that protests regarding an Addendum to the RFQ shall be filed and actually received no later than five (5) business days after the Addendum to the RFQ is issued.

**8.2.4** VDOT will distribute copies of the protest to the other Offerors and may, but need not, request other Offerors to submit statements or arguments regarding the protest and may, in its sole discretion, discuss the protest with the protesting Offeror. If other Offerors are requested to submit statements or arguments, they may file a statement in support of or in opposition to the protest within seven (7) calendar days of the request.

**8.2.5** The protesting Offeror shall have the burden of proving its protest by clear and convincing evidence. No hearing will be held on the protest. VDOT or its designee shall

decide the protest on the basis of the written submissions. VDOT shall issue the decision in writing to each Offeror. The decision shall be final and conclusive. If necessary to address the issues raised in the protest, VDOT will make appropriate revisions to this RFQ by issuing Addenda. VDOT may extend the SOQ due date, if necessary, to address any protest issues.

**8.2.6** The failure of an Offeror to raise a ground for a protest regarding this RFQ shall preclude consideration of that ground in any protest of qualification of an Offeror unless such ground was not and could not have been known to the Offeror in time to protest prior to the final date for such protests.

### **8.3 Protests Regarding Responsiveness and Qualification After Submission of SOQs**

**8.3.1** An Offeror may protest the results of the evaluation and short-listing process by filing a notice of protest by hand delivery or courier to the Point of Contact within the time periods specified in this Section 8.3. The protesting Offeror shall concurrently file a copy of its notice of protest with the other Offerors. The notice of protest shall specifically state the grounds of the protest.

**8.3.2** Notice of protest of any decision to accept or disqualify an SOQ on responsiveness grounds must be filed within five (5) business days after the earliest of notification of non-responsiveness, the scheduled date for oral meetings and presentations (if any) or the public announcement of the short-listed Offerors. Notice of protest of the decision on the short-listed Offerors must be filed and actually received by VDOT within five (5) business days after the public announcement of the short-listed Offerors.

**8.3.3** Within seven (7) calendar days of the notice of protest the protesting Offeror must file with the Point of Contact a detailed statement of the grounds, legal authorities and facts, including all documents and evidentiary statements, in support of the protest. The protesting Offeror shall concurrently deliver a copy of the detailed statement to all other Offerors. Evidentiary statements, if any, shall be submitted under penalty of perjury. The protesting Offeror shall have the burden of proving its protest by clear and convincing evidence.

**8.3.4** Failure to file a notice of protest or a detailed statement within the applicable period shall constitute an unconditional waiver of the right to protest the evaluation or qualified process and decisions there under, other than any protest based on facts not reasonably ascertainable as of such date.

**8.3.5** Other Offerors may file by hand delivery to the Point of Contact a statement in support of or in opposition to the protest. Such statement must be filed within seven (7) calendar days after the protesting Offeror files its detailed statement of protest. VDOT will promptly forward copies of any such statements to the protesting Offeror.

**8.3.6** Unless otherwise required by law, no evidentiary hearing or oral argument shall be provided, except, in the sole and absolute discretion of VDOT or its designee, a

hearing or argument may be permitted if necessary for protection of the public interest or an expressed, legally recognized interest of an Offeror or VDOT. VDOT or its designee shall issue a written decision regarding the protest within thirty (30) calendar days after VDOT receives the detailed statement of protest. Such decision shall be final and conclusive. VDOT or its designee shall deliver the written decision to the protesting Offeror and copies to the other Offerors. Unless necessary for the successful completion of the Project, as determined at the sole discretion of VDOT, the RFP shall not be issued to the short-listed Offerors until VDOT issues its written decision on the protest.

**8.3.7** If VDOT or its designee concludes that the Offeror filing the protest has established a basis for protest, VDOT or its designee will determine what remedial steps, if any, are necessary or appropriate to address the issues raised in the protest. Such steps may include, without limitation, withdrawing or revising the decisions, issuing a new RFQ or taking other appropriate actions.

## **9.0 ADMINISTRATIVE REQUIREMENTS**

In addition to the specific submittal requirements set forth in Section 3.0 above, all Offerors shall comply with the following:

1. All business entities, except for sole proprietorships, are required to be registered with the Virginia State Corporation Commission (a Business Registration Guide is available on the Internet at <http://www.state.va.us/scc/division/clk/brg.htm>). Foreign Professional Corporations and Foreign Professional Limited Liability Companies must possess a Commonwealth of Virginia Certificate of Authority from the State Corporation Commission to render professional services. Any business entity other than a professional corporation, professional limited liability company or sole proprietorship must be registered in the Commonwealth of Virginia with the Department of Professional & Occupational Regulation, Virginia Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects ([http://www.state.va.us/dpor/ape\\_regs.htm](http://www.state.va.us/dpor/ape_regs.htm)). Board regulations require that all professional corporations and business entities that have branch offices located in Virginia which offer or render any professional services relating to the professions regulated by the Board be registered with the Board. Registration involves completing the required application and submitting the required registration fee for each and every branch office location in the Commonwealth. All branch offices that offer or render any professional service must have at least one full-time resident professional in responsible charge who is licensed in the profession offered or rendered at each branch. All firms involved that are to provide professional services must meet this criteria prior to a contract being executed by VDOT.

2. VDOT will not consider for award any Price Proposals submitted by any Offerors and will not consent to subcontracting any portions of the proposed Design-Build contract to any subconsultants in violation of the provisions of the Federal Immigration Reform and Control Act of 1986, which prohibits employment of illegal aliens.

3. All Offerors must have internal control systems in place that meet federal requirements for accounting. These systems must comply with requirements of 48CFR31, "Federal Acquisition Regulations, Contract Cost Principles and Procedures," and 23CFR172, "Administration of Negotiated Contracts."

4. VDOT assures compliance with Title VI of the Civil Rights Act of 1964, as amended. The consultant and all subconsultants selected for this project will be required to submit a Title VI Evaluation Report (EEO-D2) when requested by the Department to respond to the RFP. This requirement applies to all consulting firms with fifteen (15) or more employees.

5. VDOT does not discriminate against an offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment. This requirement includes all applicable VDOT Roads and Bridge Specifications.

6. It is the policy of VDOT that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, shall have every opportunity to participate in the performance of construction/consultant contracts. Contractors/consultants are encouraged to take all necessary and reasonable steps to ensure that DBEs have every opportunity to compete for and perform services on contracts, including participation in any subsequent supplemental contracts. If a portion of the work on the Project is to be subcontracted out, the contractor/consultant must seek out and consider DBEs as potential subcontractors. DBEs must be contacted to solicit their interest, capability and qualifications. Any agreement between a contractor/consultant and a DBE whereby the DBE promises not to provide services to other contractors/consultants is prohibited.

If a DBE is not certified, the DBE must become certified with the Department prior to your RFP response being submitted. If the DBE is a prime, the firm will receive full credit for the planned involvement of their own workforce, as well as the work they commit to be performed by DBE subcontractors. DBE primes are encouraged to make the same outreach efforts as other primes. DBE credit will be awarded only for work actually performed by DBEs themselves. When a DBE prime or subcontractor subcontracts work to another firm, the work counts toward DBE goals only if the other firm itself is a DBE. A DBE must perform or exercise responsibility for at least 30% of the total cost of its contract with its own workforce.

DBE certification entitles a firm to participate in VDOT's DBE Program. However, it does not guarantee that the firm will obtain VDOT work nor does it attest to the firm's abilities to perform any particular type of work.

7. Give names and detailed addresses of all affiliated and/or subsidiary companies. Indicate which companies are subsidiaries. If a situation arises in responding to this questionnaire where you are unsure whether another firm is or is not an affiliate, doubt should be resolved in favor of affiliation and the firm should be listed accordingly.

8. Affiliate - Any business entity which is closely associated to another business entity so that one entity controls or has the power to control the other entity either directly or indirectly; or, when a third party has the power to control or controls both; or where one business entity has been so closely allied with another business entity through an established course of dealings, including but not limited to the lending of financial wherewithal, engaging in joint ventures, etc. as to cause a public perception that the two firms are one entity. Firms which are owned by a holding company or a third party, but otherwise meet the above conditions and do not have interlocking directorships or joint officers serving, are not considered to be affiliates.

9. Please indicate, by executing and returning the attached Certification Regarding Debarment Forms, (Attachments No. 3 & 4), if your firm, subconsultant, subcontractor, or any person associated therewith in the capacity of owner, partner, director, officer or any position involving the administration of Federal or State funds:

a. Is currently under suspension, debarment, voluntary exclusion or determination of ineligibility by any federal agency.

b. Has been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years.

c. Does have a proposed debarment pending; or has been indicted, convicted, or had a civil judgment rendered against it or them by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

Any of the above conditions will not necessarily result in denial of award, but will be considered in determining offeror responsibility. For any condition noted, indicate to whom it applies, initiating agency, and dates of action. Providing false information may result in federal criminal prosecution or administrative sanctions.

10. Offerors shall note and comply with the following requirements relative to the eVA Business-to-Government Vendor system.

a. The eVA Internet electronic procurement solution, web site portal (<http://www.eva.state.va.us>), streamlines and automates government purchasing activities in the Commonwealth. The portal is the gateway for vendors to conduct business with state agencies and public bodies. All vendors desiring to provide goods and/or services to the Commonwealth shall participate in the eVA Internet e-procurement solution either through the eVA Basic Vendor Registration Service or eVA Premium Vendor Registration Service. All bidders or offerors must register in eVA; failure to register prior to the award of a contract will result in the bid/proposal/ expression of interest being rejected.

b. eVA Basic Vendor Registration Service: \$25 Annual Fee plus a Transaction Fee of 1% per order received. The maximum transaction fee is \$500 per order. eVA Basic Vendor Registration Service includes electronic order receipt, vendor catalog posting, on-line registration, and electronic bidding.

c. eVA Premium Vendor Registration Service: \$200 Annual Fee plus a Transaction Fee of 1% per order received. The maximum transaction fee is \$500 per order. eVA Premium Vendor Registration Service includes all benefits of the eVA Basic Vendor Registration Service plus automatic email or fax notification of solicitations and amendments, and ability to research historical procurement data, as they become available.

## **10.0 MISCELLANEOUS**

### **10.1 Obligation to Keep Team Intact**

All individuals identified as Key Personnel in this RFQ or an SOQ shall remain on the Offeror's Team for the duration of the procurement process and, if the Offeror is awarded a Design-Build contract, the duration of the contract. If extraordinary circumstances require a proposed change, it must be submitted in writing to Owner's Point of Contact, who, at his/her sole discretion, will determine whether to authorize a change. Unauthorized changes to the Offeror's Team at any time during the procurement process may result in elimination of the Offeror from further consideration.

### **10.2 Conflicts of Interest**

Offerors shall note that portions of the documents contained in the RFQ and RFP will include work product developed by Rummel, Klepper and Kahl (RK&K). RK&K and the subconsultants, Schnabel Engineering, Inc. and Saeed Associates, Chartered, retained under the *Regional Limited Services Design Term Contract* for this project will not be allowed to participate as a design-build team member. Any SOQ received in violation of this requirement will be rejected.

**ATTACHMENT NO. 1**  
**WORK HISTORY FORM**

Work by Lead Contractor and Lead Designer, which best illustrates current qualifications relevant to this Project.							
a. Project Name & Location	b. Project Owner's Name & Address, Project Manager's Name, Phone & Fax Number	c. Nature of Firm's Responsibilities	d. Contract Completion Date (Original)	e. Contract Completion Date (Actual or Estimated)	f. Estimated Value (in Thousands)		
					Original Contract Value	Final or Estimated Contract Value	Dollar Value of Work for Which Firm Was/Is Responsible
(1)							
(2)							
(3)							
(4)							
(5)							

**ATTACHMENT NO. 2**

**RESUME FORM**

<b>Brief Resume of Key Persons, specialist, and individual Design-Build team member anticipated for this project. (List at least three (3), but no more than five (5) relevant projects for which you have performed a similar function.)</b>
a. Name & Title:
b. Project Assignment:
c. Name of Firm with which associated:
d. Years experience: With this Firm ____ Years With Other Firms ____ Years
e. Education: Degree(s)/Year/Specialization:
f. Active Registration: Year First Registered/ Discipline/VA Registration #:
g. Experience and Qualifications relevant to the proposed project ( <i>Note whether experience is with current firm or with other firm. Note your specific responsibilities and authorities, not those of the firm. Note dates and contact information for client/owner who can verify your role and performance</i> ):



**ATTACHMENT NO. 3**

**CERTIFICATION REGARDING DEBARMENT  
PRIMARY COVERED TRANSACTIONS**

Project: \_\_\_\_\_

1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.

b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; and have not been convicted of any violations of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 1) b) of this certification; and

d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the offeror for contracts to be let by the Commonwealth Transportation Board.

\_\_\_\_\_  
Signature/ Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name of Firm

**ATTACHMENT NO. 4**

**CERTIFICATION REGARDING DEBARMENT  
LOWER TIER COVERED TRANSACTIONS**

\* To be completed by the prospective lower tier participant.

Project:\_\_\_\_\_

1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the offeror for contracts to be let by the Commonwealth Transportation Board.

_____ Signature	_____ Date	_____ Title
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\_\_\_\_\_  
Name of Firm

**ATTACHMENT NO. 5**  
**Finding of Public Interest for the Use of Design-Build Contracting Method**  
**Progress Street Extension and Givens Lane: Town of Blacksburg, Virginia**  
**UPC: 72527**

The Virginia Department of Transportation (VDOT) has a need to provide an innovative design and construction method to complete Progress Street extension and improvements to Givens Lane in the northern section of the Town of Blacksburg, Virginia. The proposed project would include construction of approximately 1.19 miles of two-lane divided roadway following the alignment of Givens Lane and construction of 0.17 miles of two-lane undivided roadway. VDOT has determined that project delivery via design-build contracting will maximize the use of available funding and expedite project delivery.

The benefits of design-build project delivery satisfy the following transportation needs:

- Allows for the timely authorization of federal and state funding. This project will be funded by federal dollars offset from a separate project that will now be funded through the Local Partnership Program. A September 30, 2006 deadline has been delineated for obligation of funds. In accordance with the design-build process, obligation of federal funds occurs with issuance of the RFP. Thus, an August/September 2006 RFP release date will ensure funding maximization. If the project is completed through the design-bid-build process, funds could be lost due to the inability to meet the required timeframe.
- Expedite the schedule on this project. The current advertisement date based on the anticipated urban funding stream for the town of Blacksburg is 2015. Design-build procurement would enable a RFP to be issued in August/September 2006 and an agreement with a design build contractor to be executed in early 2007.
- Funds are programmed to enable early delivery.

Progress Street extension will provide a critical link to Blacksburg's roadway network. Construction of the Givens Lane enhancements will increase the existing level of roadway safety and accommodate multimodal transportation between the Toms Creek Road and North Main Street. Added capacity will significantly improve mobility in this growing residential section of Blacksburg.

VDOT has a clear understanding of the purpose and need of the project. The scope will be defined to achieve desired results with room for innovation in the design and construction of the project. The project has a small number of challenges with respect to right-of-way acquisition that impose a limited risk to VDOT.

Based on the review of public interest findings and the objective criteria previously adopted by the Commonwealth Transportation Board regarding the use of design-build contracts, I find that the use of design-build contracting for the proposed project is in the best interest of the Commonwealth of Virginia.

*Original with signatures on file in the Innovative Project Delivery Division.*

Recommended for Approval:

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Malcolm T. Kerley, P.E.                      date  
Chief Engineer

Approved:

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Gregory A. Whirley                      date  
Acting Commonwealth Transportation  
Commissioner